IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 76 OF 2006

Shri Anwar Abdul Raur Khan. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Mr.G.S. Godbole for Applicant.
Mr.Y.S. Shinde, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 18, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. This is an application for modification of the condition imposed by the Sessions Court restricting the applicant from entering the city of Ulhasnagar Greater Bombay, Raigad including the limits of Municipal Corporation of Thane, Kalyan, Dombivali, Ambernath and Badlapur till the disposal of the trial.

2. Learned Counsel appearing for the applicant submits that the applicant is carrying on business in Ulhasnagar and if he is restrained from entering the

jurisdiction of the districts mentioned in the order passed by the Additional Sessions Judge, he would not be in a position to carry on his business. It is submitted that there was enmity between the complainant and the applicant and therefore, the present incident took place.

3. Learned APP appearing on behalf of the Stae vehemently opposed this application. He has submitted that this is the second complaint which is filed by the complainant against the present applicant under Section 307 of the IPC. The earlier complaint was filed in January 2005 and after he was released on bail in the said case, the present applicant had attempted to commit the murder of the complainant and therefore, the present condition has been imposed by the trial Court.

4. It is an admitted position that the chargesheet has been filed in the present case. The restriction imposed by the trial Court restraining the applicant from entering the jurisdiction of Greater Bombay, Thane and Raigad District including the limits of Municipal

Corporation of Thane, Kalyan, Dombivali, Ulhasnagar, Ambernath and Badlapur, in my view, is excessive and needs to be modified.

5. Accordingly, the order is modified. The restriction imposed on the applicant is restricted to the limits of Municipal Corporation of Ulhasnagar, Dombivali and Kalyan. Liberty is granted to the applicant to apply again for further relaxation after a period of six months.

. Application is disposed of in the above terms.

(V.M. KANADE, J.)